

**Clean Copy of Amended Claim**

---

2. (twice amended) A recombinant herpesvirus as claimed in claim 29, wherein after three dilution steps in a plaque purification no visible reversion to the wild type is observed.

3. (twice amended) A recombinant herpesvirus as claimed in claim 29, which additionally comprises a reporter gene.

C1 4. (twice amended) A recombinant herpesvirus as claimed in claim 29, which is selected from the group of Herpesviridae comprising herpes simplex virus (HSV), cytomegalovirus (CMV), pseudorabies virus (PRV) and Epstein-Barr virus (EBV) and other members of the herpesvirus family.

---

6. (amended) A recombinant herpesvirus as claimed in claim 5, which is the HSV-1 strain 1802.

7. (twice amended) A recombinant herpesvirus as claimed in claim 29, which is a mutant which is completely or partially replication-deficient.

C2 8. (twice amended) A recombinant herpesvirus as claimed in claim 29, wherein the insertion does not encompass the complete AAV ITR sequence.

9. (twice amended) A recombinant herpesvirus as claimed in claim 29, wherein the AAV rep gene and the AAV cap gene are inserted in the  $U_L$  or the  $U_L$  region of the herpesvirus.

10. (twice amended) A recombinant herpesvirus as claimed in claim 29, wherein the AAV rep gene and the AAV cap gene are stably integrated into the genome of the herpesvirus.

---

12. (amended) The process as claimed in claim 10, wherein the herpesvirus is an HSV mutant which possesses a unique restriction site.

C3 13. (amended) The process as claimed in claim 11, wherein the herpesvirus is an HSV mutant which is completely or partially replication-deficient.

---

---

15. (twice amended) A vector, which comprises a nucleic acid as claimed in claim 30.

c4 16. (twice amended) A viral composition which comprises a recombinant herpesvirus as claimed in claim 29.

---

18. (twice amended) A process for preparing infectious AAV vector preparations, comprising the steps of:

- c5
- a) preparing a viral vector which an adeno-associated virus (AAV) vector
  - b) preparing a recombinant herpesvirus as claimed in claim 29
  - c) introducing the AAV vector from (a) and the recombinant herpesvirus from (b) into a cells,
  - d) replicating the AAV vector, and
  - e) obtaining an infectious AAV vector preparation.
- 

c6 23. (twice amended) A cell, which contains a recombinant herpesvirus as claimed in claim 29.

24. (amended) A cell as claimed in claim 23, wherein the recombinant herpesvirus has been introduced by infection.

---

c7 29. (amended) A recombinant herpesvirus, which contains a rep and a cap gene obtained from adeno-associated viruses (AAVs) and operatively linked to an expression control sequence, with the rep gene and the cap gene being located on an insert which is integrated in the genome of the herpes virus.

30. (amended) A nucleic acid which comprises the helper functions of a herpesvirus genome which are required for replicating adeno-associated viruses (AAVs) and, inserted therein, a rep gene and a cap gene obtained from AAVs, in each case operatively linked to an expression

C7  
cont control sequence, with the rep gene and the cap gene being located on an insert which is  
integrated in the genome of the herpes virus.

---